

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001.

On 16 October 1999
(DATE OF DEPOSIT)

Thomas C. Stover
NAME OF APPLICANT, ASSIGNEE, OR REG. REP.

Thomas C. Stover 16 October 1999
SIGNATURE DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re CIP application of
Geoff P. Andersen

Group Art Unit:
Examiner:

Filed herewith and based on
Application Serial No. 08/990,257 &
Application Serial No. 08/990,260
Both filed: 15 December 1997

For: **HOLOGRAPHIC IMAGE CORRECTOR**

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231-0001

Sir:

BEST AVAILABLE COPY

PRELIMINARY RESPONSE

In response to Office Actions, both under 37 CFR 1.116 and both dated 16 June 1999 and Advisory Actions dated 7 October 1999, relative to the above two patent applications, where applicant's Amendments to the respective Office Actions were said to raise new issues and were not entered, the accompanying CIP application is filed herewith.

REMARKS

Claims 1-39 are in the CIP application. That is, claims 2-20 are directed to the pinhole embodiment of the invention ('257), while claims 21-39 are directed to the array of pinholes embodiment of the invention ('260) and claim 1 is believed to be generic to both such embodiments.

The claims presented in the CIP application are similar to those presented in the amendments after final rejection in the above listed parent applications which claims were not entered.

For a discussion of why such claims are believed distinguished over the applied art in the above parent applications, the Examiner is referred to the "Remarks" in the above amendments after final.

For example relative to the '257 application, the Office Action states that passing a beam through a pinhole is known. However, as noted in the Response, it is not known to employ a pinhole in combination with an objective to make a corrective hologram for that objective, per applicants (former) claims 1 & 15 (now CIP claims 2 & 15). There is no reference that shows this unless one borrows from applicant's disclosure. Without such a reference there is only hindsight reconstruction that does not establish obviousness, In re Civitello, 144 USPQ 10.

Further with respect to the above '260 application, it is stated the Response that claim 1 (now CIP claim 21) has been amended to recite an array of pinholes before the objective along with other clarifying language, as indicated. Such language is believed to make claim 1 distinctive in that, an array of pinholes in a holographic corrector has never been seen nor suggested in the prior art and clearly not in a microscope and this feature alone is believed to render claims 1 (now claims 21) et seq. novel over the prior art.